

ESTTA Tracking number: **ESTTA375943**Filing date: **10/29/2010**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	MasterCard International Incorporated
Granted to Date of previous extension	10/31/2010
Address	2000 Purchase Street Purchase, NY 10577-2405 UNITED STATES

Attorney information	Paul J. Reilly Baker Botts L.L.P. 30 Rockefeller Plaza New York, NY 10112-4498 UNITED STATES paul.reilly@bakerbotts.com, jennifer.lazo@bakerbotts.com, nytmdpt@bakerbotts.com, jennifer.lazo@bakerbotts.com, marcia.woodall@bakerbotts.com
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**Applicant Information**

Application No	77711350	Publication date	05/04/2010
Opposition Filing Date	10/29/2010	Opposition Period Ends	10/31/2010
International Registration No.	NONE	International Registration Date	NONE
Applicant	Ondra LLP 40 Basinghall Street London, EC2V5DE UNITED KINGDOM		

**Goods/Services Affected by Opposition****Class 009.**

All goods and services in the class are opposed, namely: Computer software and computer programs for use in database management in the fields of financial affairs, business appraisals, business acquisition disposal and structuring, business management, economic forecasting and economic research; blank magnetic data media; blank optical data media; computer software recorded on data media for database management in the fields of financial affairs, business appraisals, business acquisition disposal and structuring, business management, economic forecasting and economic research; downloadable digital media files, namely, downloadable photographic, video, audio, and text files featuring financial affairs, business appraisals, business acquisition disposal and structuring, business management, economic forecasting and research; downloadable electronic publications in the nature of newsletters, magazines, brochures, reports, booklets, fact sheets, charts, and graphs in the fields of financial affairs, business appraisals, business acquisition disposal and structuring, business management, economic forecasting and economic research

**Class 035.**

All goods and services in the class are opposed, namely: Business appraisals and research; business investigations; professional business consultancy; business advisory and consultancy services relating to mergers and acquisitions; advisory and consultancy services relating to business structuring, namely, providing assistance and advice regarding business operations, business organization, business management, business analysis planning, business strategies, business marketing and customer analysis, business loans, business finance and business capital; commercial and industrial management assistance; economic forecasting; market research and market studies


Class 036.

All goods and services in the class are opposed, namely: Insurance brokerage; financial affairs, namely, financial risk management, financial asset management, financial planning, loan financing and management, and financial investment management and advice; monetary affairs, namely, monetary strategy consultation and research; real estate affairs, namely, arranging real estate investment and financing; financial services, namely, financial management; banking services; investment services, namely, arrangement of investment transactions in relation to stocks, bonds, shares, debentures, commodities, futures, options and other securities; financing services; financial exchange services; securitization services, namely, arrangement of transactions involving asset backed securities; securities brokerage; securities investment and management, namely, financial investment in the field of securities and management of securities of others; stocks and bonds brokerage; capital and fund investment; management of a capital investment fund; collateral management, namely, management of financial assets and real estate properties used to secure loans; financial management; financial consultancy, advisory and financial information services relating to the aforesaid services


## Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

## Marks Cited by Opposer as Basis for Opposition

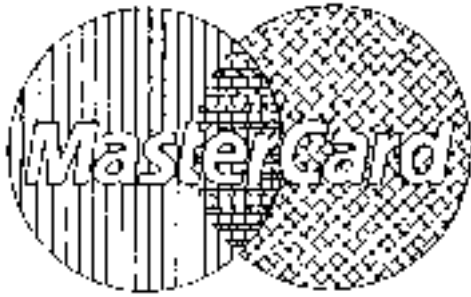
U.S. Registration No.	1257853	Application Date	04/02/1980
Registration Date	11/15/1983	Foreign Priority Date	NONE
Word Mark	MASTERCARD		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 036. First use: First Use: 1980/02/11 First Use In Commerce: 1980/02/11 Financial Services-Namely, Providing Bank Card Services		

U.S. Registration No.	1723718	Application Date	10/25/1991
Registration Date	10/13/1992	Foreign Priority Date	NONE

Word Mark	NONE
Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 016. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 printed matter and publications; namely, credit, debit and charge cards, travellers cheques, pamphlets, brochures, newsletters and magazines of a financial nature</p> <p>Class 036. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 financial services; namely, providing credit, debit and charge card, travellers cheque, cash disbursement, and transaction authorization and settlement services</p>

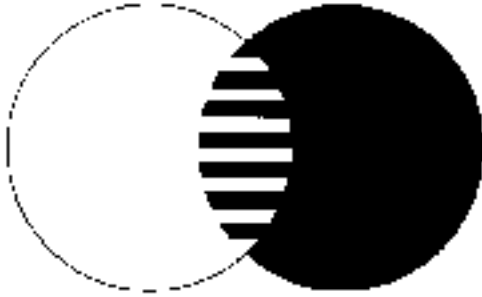
U.S. Registration No.	1738276	Application Date	02/19/1991
Registration Date	12/08/1992	Foreign Priority Date	NONE
Word Mark	MASTERCARD		
Design Mark			
Description of Mark	The mark consists of the words "MASTERCARD" with a globe design.		
Goods/Services	<p>Class 016. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 printed matter and publications; namely, credit cards and debit cards, pamphlets, brochures, newsletters and magazines of a financial nature</p> <p>Class 036. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 financial services; namely, providing credit card, debit card, cash disbursement, and transaction authorization and settlement services</p>		

U.S. Registration No.	2168736	Application Date	01/29/1993
Registration Date	06/30/1998	Foreign Priority Date	NONE


Word Mark	MASTERCARD
Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 electronic data carriers in the form of magnetically encoded cards</p> <p>Class 016. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 printed matter and publications, namely, credit, debit and charge cards, travelers cheques, and pamphlets, brochures, newsletters and magazines of a financial nature</p> <p>Class 036. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 financial services, namely, providing credit, debit and charge card services, administration of the issuance, redemption and processing of travelers cheques, travel financial assistance, cash disbursement and transaction authorization and settlement services</p> <p>Class 039. First use: First Use: 1990/02/00 First Use In Commerce: 1990/02/00 travel assistance services, namely, arranging travel tours, making replacement and emergency reservations and booking for transportation</p>


U.S. Registration No.	1890786	Application Date	01/21/1993
Registration Date	04/25/1995	Foreign Priority Date	NONE
Word Mark	MASTERCARD		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 006. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 metal key chains</p> <p>Class 009. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 calculators</p>		

	<p>Class 014. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 watches, clocks, metal tie pins</p> <p>Class 016. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 pens, pencils, pen stands, paper weights, letter openers, notebooks, metal book marks</p> <p>Class 018. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 umbrellas, luggage, garment bags for travel, toiletry cases sold empty, duffel bags, attache cases, carry-on bags, tote bags, wallets, business card cases, credit card cases</p> <p>Class 020. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 non-metal key rings, luggage tags</p> <p>Class 021. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 mugs</p> <p>Class 024. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 towels</p> <p>Class 025. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 shirts, jackets, sweaters, sweat shirts, visors, caps</p> <p>Class 028. First use: First Use: 1991/04/00 First Use In Commerce: 1991/04/00 Christmas tree decorations, tennis balls, golf balls, soccer balls, golf tees</p>
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U.S. Registration No.	2038134	Application Date	03/09/1995
Registration Date	02/18/1997	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1992/08/19 First Use In Commerce: 1992/08/19 electronic data carriers in the form of magnetically encoded cards</p> <p>Class 016. First use: First Use: 1992/08/19 First Use In Commerce: 1992/08/19 printed matter and publications, namely, pamphlets, brochures, newsletters and magazines of a financial nature</p> <p>Class 036. First use: First Use: 1992/08/19 First Use In Commerce: 1992/08/19 financial services, namely, providing debit card services</p>		

U.S. Registration No.	3356410	Application Date	08/17/2006
Registration Date	12/18/2007	Foreign Priority Date	NONE

Word Mark	NONE
Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 036. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27</p> <p>FINANCIAL SERVICES, NAMELY, BANKING AND CREDIT SERVICES; PROVIDING CREDIT CARD, DEBIT CARD, CHARGE CARD AND STORED VALUE PREPAID CARD SERVICES; BANKING SERVICES, BILL PAYMENT, CREDIT CARD SERVICES, DEBIT CARD SERVICES, CHARGE CARD SERVICES, CASH DISBURSEMENT, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; BILL PAYMENT SERVICES; AUTOMATED TELLER MACHINE SERVICES; PROCESSING OF ELECTRONIC BILL PAYMENT FINANCIAL TRANSACTIONS ON-LINE VIA A COMPUTER DATABASE OR VIA TELECOMMUNICATIONS AND AT POINT OF SALE; ELECTRONIC BILL PAYMENT PROCESSING SERVICES FOR FINANCIAL TRANSACTIONS BY CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; THE PROVISION OF BALANCE DETAILS, DEPOSITS AND WITHDRAWALS OF MONEY TO CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; FINANCIAL SETTLEMENT AND AUTHORIZATION SERVICES RELATING TO PAYMENT CARD TRANSACTIONS; ISSUING AND REDEMPTION OF TRAVELLERS CHECKS; CHECK VERIFICATION AND CHECK CASHING SERVICES; VERIFICATION OF FINANCIAL INFORMATION; PAYER AUTHENTICATION SERVICES, NAMELY, PROVISION OF SERVICES RELATING TO THE AUTHENTICATION OF CARDHOLDERS, MERCHANTS AND BANKS FOR PAYMENT CARD TRANSACTIONS; ELECTRONIC FUNDS TRANSFER AND CURRENCY EXCHANGE SERVICES; DISSEMINATION OF FINANCIAL INFORMATION VIA THE INTERNET AND OTHER COMPUTER NETWORKS; REMOTE BILL PAYMENT SERVICES; STORED VALUE ELECTRONIC PURSE SERVICES, NAMELY, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; PROVIDING ELECTRONIC FUNDS AND CURRENCY TRANSFER SERVICES, ELECTRONIC BILL PAYMENTS SERVICES, PREPAID TELEPHONE CALLING CARD SERVICES, CASH DISBURSEMENT SERVICES, AND TRANSACTION AUTHORIZATION AND SETTLEMENT SERVICES; PROVISION OF DEBIT CARD, CREDIT CARD AND PREPAID CARD SERVICES BY MEANS OF RADIO FREQUENCY IDENTIFICATION DEVICES; PROVISION OF DEBIT CARD AND CREDIT CARD SERVICES BY MEANS OF COMMUNICATION AND TELECOMMUNICATION DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED THROUGH MOBILE TELECOMMUNICATIONS MEANS, INCLUDING PAYMENT SERVICES THROUGH WIRELESS DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED ON-LINE, THROUGH NETWORKS OR OTHER ELECTRONIC MEANS USING ELECTRONICALLY DIGITIZED INFORMATION; PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT FOR USE IN THE SECURE EXCHANGE OF</p>


	VALUE, INCLUDING ELECTRONIC CASH, OVER COMPUTER NETWORKS, ON-LINE BANKING; FINANCIAL INFORMATION PROCESSING SERVICES PROVIDED OVER THE TELEPHONE AND BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET; PROVISION OF FINANCIAL INFORMATION PROCESSING SERVICES BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET		
U.S. Registration No.	3356409	Application Date	08/17/2006
Registration Date	12/18/2007	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	The mark consists of the design of intersecting circles that fades from red to pink to orange to yellow.		
Goods/Services	<p>Class 036. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27</p> <p>FINANCIAL SERVICES, NAMELY, BANKING AND CREDIT SERVICES; PROVIDING CREDIT CARD, DEBIT CARD, CHARGE CARD AND STORED VALUE PREPAID CARD SERVICES; BANKING SERVICES, BILL PAYMENT, CREDIT CARD SERVICES, DEBIT CARD SERVICES, CHARGE CARD SERVICES, CASH DISBURSEMENT, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; BILL PAYMENT SERVICES; AUTOMATED TELLER MACHINE SERVICES; PROCESSING OF ELECTRONIC BILL PAYMENT FINANCIAL TRANSACTIONS ON-LINE VIA A COMPUTER DATABASE OR VIA TELECOMMUNICATIONS AND AT POINT OF SALE; ELECTRONIC BILL PAYMENT PROCESSING SERVICES FOR FINANCIAL TRANSACTIONS BY CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; THE PROVISION OF BALANCE DETAILS, DEPOSITS AND WITHDRAWALS OF MONEY TO CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; FINANCIAL SETTLEMENT AND AUTHORIZATION SERVICES RELATING TO PAYMENT CARD TRANSACTIONS; ISSUING AND REDEMPTION OF TRAVELLERS CHECKS; CHECK VERIFICATION AND CHECK CASHING SERVICES; VERIFICATION OF FINANCIAL INFORMATION; PAYER AUTHENTICATION SERVICES, NAMELY, PROVISION OF SERVICES RELATING TO THE AUTHENTICATION OF CARDHOLDERS, MERCHANTS AND BANKS FOR PAYMENT CARD TRANSACTIONS; ELECTRONIC FUNDS TRANSFER AND CURRENCY EXCHANGE SERVICES; DISSEMINATION OF FINANCIAL INFORMATION VIA THE INTERNET AND OTHER COMPUTER NETWORKS; REMOTE BILL PAYMENT SERVICES; STORED VALUE ELECTRONIC PURSE SERVICES, NAMELY, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; PROVIDING ELECTRONIC FUNDS AND CURRENCY TRANSFER SERVICES, ELECTRONIC BILL PAYMENTS SERVICES, PREPAID TELEPHONE CALLING CARD SERVICES, CASH DISBURSEMENT SERVICES, AND TRANSACTION AUTHORIZATION AND SETTLEMENT SERVICES; PROVISION OF DEBIT CARD, CREDIT CARD</p>		


	AND PREPAID CARD SERVICES BY MEANS OF RADIO FREQUENCY IDENTIFICATION DEVICES; PROVISION OF DEBIT CARD AND CREDIT CARD SERVICES BY MEANS OF COMMUNICATION AND TELECOMMUNICATION DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED THROUGH MOBILE TELECOMMUNICATIONS MEANS, INCLUDING PAYMENT SERVICES THROUGH WIRELESS DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED ON-LINE, THROUGH NETWORKS OR OTHER ELECTRONIC MEANS USING ELECTRONICALLY DIGITIZED INFORMATION; PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT FOR USE IN THE SECURE EXCHANGE OF VALUE, INCLUDING ELECTRONIC CASH, OVER COMPUTER NETWORKS, ON-LINE BANKING; FINANCIAL INFORMATION PROCESSING SERVICES PROVIDED OVER THE TELEPHONE AND BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET; PROVISION OF FINANCIAL INFORMATION PROCESSING SERVICES BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET
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U.S. Registration No.	3356377	Application Date	08/10/2006
Registration Date	12/18/2007	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	The mark consists of the design of intersecting circles that fades from red to pink to orange to yellow.		
Goods/Services	Class 035. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27 Association services, namely, promoting the interests of banks, credit unions, and other regulated financial institutions		

U.S. Registration No.	3356408	Application Date	08/17/2006
Registration Date	12/18/2007	Foreign Priority Date	NONE
Word Mark	MASTERCARD WORLDWIDE		




Design Mark	 <p><b>MasterCard</b> Worldwide</p>
Description of Mark	NONE
Goods/Services	<p>Class 036. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27</p> <p>FINANCIAL SERVICES, NAMELY, BANKING AND CREDIT SERVICES; PROVIDING CREDIT CARD, DEBIT CARD, CHARGE CARD AND STORED VALUE PREPAID CARD SERVICES; BANKING SERVICES, BILL PAYMENT, CREDIT CARD SERVICES, DEBIT CARD SERVICES, CHARGE CARD SERVICES, CASH DISBURSEMENT, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; BILL PAYMENT SERVICES; AUTOMATED TELLER MACHINE SERVICES; PROCESSING OF ELECTRONIC BILL PAYMENT FINANCIAL TRANSACTIONS ON-LINE VIA A COMPUTER DATABASE OR VIA TELECOMMUNICATIONS AND AT POINT OF SALE; ELECTRONIC BILL PAYMENT PROCESSING SERVICES FOR FINANCIAL TRANSACTIONS BY CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; THE PROVISION OF BALANCE DETAILS, DEPOSITS AND WITHDRAWALS OF MONEY TO CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; FINANCIAL SETTLEMENT AND AUTHORIZATION SERVICES RELATING TO PAYMENT CARD TRANSACTIONS; ISSUING AND REDEMPTION OF TRAVELLERS CHECKS; CHECK VERIFICATION AND CHECK CASHING SERVICES; VERIFICATION OF FINANCIAL INFORMATION; PAYER AUTHENTICATION SERVICES, NAMELY, PROVISION OF SERVICES RELATING TO THE AUTHENTICATION OF CARDHOLDERS, MERCHANTS AND BANKS FOR PAYMENT CARD TRANSACTIONS; ELECTRONIC FUNDS TRANSFER AND CURRENCY EXCHANGE SERVICES; DISSEMINATION OF FINANCIAL INFORMATION VIA THE INTERNET AND OTHER COMPUTER NETWORKS; REMOTE BILL PAYMENT SERVICES; STORED VALUE ELECTRONIC PURSE SERVICES, NAMELY, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; PROVIDING ELECTRONIC FUNDS AND CURRENCY TRANSFER SERVICES, ELECTRONIC BILL PAYMENTS SERVICES, PREPAID TELEPHONE CALLING CARD SERVICES, CASH DISBURSEMENT SERVICES, AND TRANSACTION AUTHORIZATION AND SETTLEMENT SERVICES; PROVISION OF DEBIT CARD, CREDIT CARD AND PREPAID CARD SERVICES BY MEANS OF RADIO FREQUENCY IDENTIFICATION DEVICES; PROVISION OF DEBIT CARD AND CREDIT CARD SERVICES BY MEANS OF COMMUNICATION AND TELECOMMUNICATION DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED THROUGH MOBILE TELECOMMUNICATIONS MEANS, INCLUDING PAYMENT SERVICES THROUGH WIRELESS DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED ON-LINE, THROUGH NETWORKS OR OTHER ELECTRONIC MEANS USING ELECTRONICALLY DIGITIZED INFORMATION; PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT FOR USE IN THE SECURE EXCHANGE OF VALUE, INCLUDING ELECTRONIC CASH, OVER COMPUTER NETWORKS,</p>


	ON-LINE BANKING; FINANCIAL INFORMATION PROCESSING SERVICES PROVIDED OVER THE TELEPHONE AND BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET; PROVISION OF FINANCIAL INFORMATION PROCESSING SERVICES BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET		
U.S. Registration No.	3356407	Application Date	08/17/2006
Registration Date	12/18/2007	Foreign Priority Date	NONE
Word Mark	MASTERCARD WORLDWIDE		
Design Mark			
Description of Mark	The mark consists of the words MASTERCARD WORLDWIDE in the color gray and the design of intersecting circles that fade from red to pink to orange to yellow. The mark is depicted on a gray background. No claim is made to the gray background, the background merely indicates depth.		
Goods/Services	<p>Class 036. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27</p> <p>FINANCIAL SERVICES, NAMELY, BANKING AND CREDIT SERVICES; PROVIDING CREDIT CARD, DEBIT CARD, CHARGE CARD AND STORED VALUE PREPAID CARD SERVICES; BANKING SERVICES, BILL PAYMENT, CREDIT CARD SERVICES, DEBIT CARD SERVICES, CHARGE CARD SERVICES, CASH DISBURSEMENT, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; BILL PAYMENT SERVICES; AUTOMATED TELLER MACHINE SERVICES; PROCESSING OF ELECTRONIC BILL PAYMENT FINANCIAL TRANSACTIONS ON-LINE VIA A COMPUTER DATABASE OR VIA TELECOMMUNICATIONS AND AT POINT OF SALE; ELECTRONIC BILL PAYMENT PROCESSING SERVICES FOR FINANCIAL TRANSACTIONS BY CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; THE PROVISION OF BALANCE DETAILS, DEPOSITS AND WITHDRAWALS OF MONEY TO CARD HOLDERS VIA AUTOMATIC TELLER MACHINES; FINANCIAL SETTLEMENT AND AUTHORIZATION SERVICES RELATING TO PAYMENT CARD TRANSACTIONS; ISSUING AND REDEMPTION OF TRAVELLERS CHECKS; CHECK VERIFICATION AND CHECK CASHING SERVICES; VERIFICATION OF FINANCIAL INFORMATION; PAYER AUTHENTICATION SERVICES, NAMELY, PROVISION OF SERVICES RELATING TO THE AUTHENTICATION OF CARDHOLDERS, MERCHANTS AND BANKS FOR PAYMENT CARD TRANSACTIONS; ELECTRONIC FUNDS TRANSFER AND CURRENCY EXCHANGE SERVICES; DISSEMINATION OF FINANCIAL INFORMATION VIA THE INTERNET AND OTHER COMPUTER NETWORKS; REMOTE BILL PAYMENT SERVICES; STORED VALUE ELECTRONIC PURSE SERVICES, NAMELY, PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT; PROVIDING ELECTRONIC FUNDS AND CURRENCY TRANSFER SERVICES, ELECTRONIC BILL PAYMENTS SERVICES, PREPAID TELEPHONE CALLING CARD SERVICES, CASH DISBURSEMENT SERVICES, AND TRANSACTION AUTHORIZATION AND</p>		

	SETTLEMENT SERVICES; PROVISION OF DEBIT CARD, CREDIT CARD AND PREPAID CARD SERVICES BY MEANS OF RADIO FREQUENCY IDENTIFICATION DEVICES; PROVISION OF DEBIT CARD AND CREDIT CARD SERVICES BY MEANS OF COMMUNICATION AND TELECOMMUNICATION DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED THROUGH MOBILE TELECOMMUNICATIONS MEANS, INCLUDING PAYMENT SERVICES THROUGH WIRELESS DEVICES; THE PROVISION OF FINANCIAL BILL PAYMENT SERVICES FOR THE SUPPORT OF RETAIL SERVICES PROVIDED ON-LINE, THROUGH NETWORKS OR OTHER ELECTRONIC MEANS USING ELECTRONICALLY DIGITIZED INFORMATION; PROVIDING ONLINE STORED VALUE ACCOUNTS IN AN ELECTRONIC ENVIRONMENT FOR USE IN THE SECURE EXCHANGE OF VALUE, INCLUDING ELECTRONIC CASH, OVER COMPUTER NETWORKS, ON-LINE BANKING; FINANCIAL INFORMATION PROCESSING SERVICES PROVIDED OVER THE TELEPHONE AND BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET; PROVISION OF FINANCIAL INFORMATION PROCESSING SERVICES BY MEANS OF A GLOBAL COMPUTER NETWORK OR THE INTERNET
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U.S. Registration No.	3376085	Application Date	08/09/2006
Registration Date	01/29/2008	Foreign Priority Date	NONE
Word Mark	MASTERCARD WORLDWIDE		
Design Mark	 <b>MasterCard</b> Worldwide		
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27 Association services, namely, promoting the interests of banks, credit unions, and other regulated financial institutions		

U.S. Registration No.	3365851	Application Date	08/10/2006
Registration Date	01/08/2008	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2006/06/27 First Use In Commerce: 2006/06/27 Association services, namely, promoting the interests of banks, credit unions, and other regulated financial institutions

U.S. Application No.	78978612	Application Date	04/19/2002
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MASTERCARD & MC2		
Design Mark			
Description of Mark	The mark consists of a rectangular card shape featuring: (i) rounded lower right corner, and (ii) a holographic device with the mark MASTERCARD in outline form superimposed across a device comprised of two interlocking circles. Directly under the foregoing design is a holographic device comprised of a map of the world within two interlocking globes. The designations MasterCard and Card Master surrounded by retaining lines appear within the holographic device. The designation MC appears below the holographic device. All of the foregoing appear in the bottom right corner of the card shape.		
Goods/Services	Class 009. First use: Computer hardware, computer software, and computer programs related to financial services, namely, software for secure data storage and retrieval and transmission of confidential customer information used by individuals, banking and financial institutions and for the processing of financial transactions via credit, debit, and smart cards; computer hardware and encryption software, software for secure data storage and retrieval and transmission of confidential customer information used by individuals, banking and financial institutions; magnetic encoded and smart card readers; computers designed to enable smart cards to interact with terminals and readers; point of sale transaction terminals and computer software for transmitting, displaying and storing transaction, identification and financial information for use in the financial services, banking and telecommunications industries; radio frequency identification devices,		

	<p>namely, transponders; and electronic verification apparatus for verifying authentication of charge cards, bank cards, credit cards, debit cards and payment cards</p> <p>Class 036. First use:</p> <p>Financial services related to payment cards and credit cards, namely credit card and debit card services; banking services; charge card and stored value prepaid card services; stored value electronic purse services, providing electronic funds and currency transfer services, electronic payments services, prepaid telephone calling card services, cash disbursement services, and transaction authorization and settlement services; payment services utilizing a radio frequency device to allow payment to be charged to a previously specified payment mechanism, such as a debit card or credit card; cheque verification services; issuing and redemption services all relating to travelers' cheques and travel vouchers; advisory services relating to all the aforesaid services</p>
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U.S. Registration No.	3835171	Application Date	02/04/2008
Registration Date	08/17/2010	Foreign Priority Date	NONE
Word Mark	MASTERCARD WORLDWIDE		
Design Mark			
Description of Mark	The mark consists of intersecting circles above the wording "MASTERCARD WORLDWIDE".		
Goods/Services	<p>Class 009. First use:</p> <p>Blank magnetic data carriers, data processing equipment; computer software for the development, maintenance and use of local and wide area computer networks, for facilitating payment transactions by electronic means and for secure data storage and retrieval and transmission of confidential customer information used by individuals, banking and financial institutions; electronic apparatus for recording, transmitting and reproducing data comprising sound and images; electronic apparatus and computer software for searching, managing and analyzing financial accounts using a global computer network; downloadable electronic publications in the field of banking and finance, computer hardware and software for facilitating electronic payment transactions; computer hardware and software for encoding using encoding keys, digital certificates and digital signatures; computer software for guaranteeing data storage and transmission of confidential customer information, carried out by physical persons and banking and financial institutions; encoded magnetic cards and cards containing an integrated circuit chip, namely, containing a blank smart card; bank cards, namely, bank cards with magnetic memories and integrated circuit memories; electronic data media cards, coded magnetic card readers, readers for electronic data media cards; computer software designed for use in the telecommunications, banking, finance and insurance industry; computer software designed to enable smart cards to interact with terminals and readers; computer chips embedded in telephones; telecommunications equipment, namely, radio frequency identification devices, namely, transponders; point of</p>		

	<p>sale transaction terminals and software for transmitting, displaying and storing transactions, identifications and financial information for use in the financial services, banking and telecommunications sectors; electronic verification apparatus for verifying electronically the authenticity of purchase cards, bank cards, credit cards, debit cards and payment cards, cash withdrawal machines, namely, automated teller machines (ATM)</p> <p>Class 035. First use:</p> <p>Advertising services; business management; business administration; providing office functions; business management assistance services for industrial and commercial enterprises; business appraisals; advisory services in connection with business management; marketing research services; conducting marketing studies; providing business statistical information; preparation of statements of financial accounts; bookkeeping; public relations; publication of advertising texts; publication of advertising leaflets; computerized database management</p> <p>Class 036. First use:</p> <p>Insurance services, namely, travel insurance; financial services, namely, banking and credit services; services of credit, debit, purchasing, cash payment and prepayment cards; financial services relating to payment of bills; automated teller machine services; processing of cardholder financial credit, debit, purchasing, stored value and/or prepaid card transactions both online via a computer database or through telecommunications and at points of sale; services for processing services for financial transactions carried out by cardholders through automated teller machines; provision of financial account details, namely, cash balances, deposits and withdrawals to cardholders through automatic teller machines; financial settlement and authorization services, namely, the settling of international and commercial transactions through obtaining the proceeds of a sale in cash in exchange for formal debt instructions; financial account settlement services, namely, the settling of international and commercial transactions through obtaining the proceeds of a sale in cash or in exchange for formal debt instructions; electronic funds transfer and foreign exchange services; providing financial information over the internet and other computer networks; financial services for facilitating the use of electronic payments, namely, electronic processing and transmission of electronic wallets, transactions and data; foreign currency transfers; electronic payment services, namely, electronic processing and transmission of bill payment data; cardholder financial authorization and debt settlement services; offer of debit and credit transaction services by means of radio frequency identification devices and transponders; provision of debit and credit transaction services by means of communication and telecommunications devices; cheque verification services; issue and redemption services, all in connection with travellers' cheques and travel vouchers; provision of financial support services, namely, payment services to retail services provided online, via networks or other electronic media using electronically digitized data; services for exchanging securities, namely, the secure exchange of securities, namely, payment in electronic cash via computer networks accessible by smart cards; online banking services</p> <p>Class 038. First use:</p> <p>Electronic data transmission using a global data processing network via the Internet; telecommunication services for transmitting data from a data bank stored on computers or on the Internet; data transmission using electronic image processing by means of a telephone link; provision of access to a global computer network for processing debit or credit transactions over a telephone link or other telecommunication means; electronic mail services, namely, receiving and sending messages; providing access, for multiple users, to databases for a wide range of information in the financial services sector; rental of access time to global computer networks; broadcasting services via all means of telecommunication, namely, radio, television, cable, satellite, the Internet or mobile devices</p> <p>Class 042. First use:</p>
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	Scientific and technological services, namely, the design and development of computer hardware and software and research and design services relating thereto; computer services, namely, application service provider, namely, providing on-line electronic databases via a global computer network concerning secure communications, data encryption and decryption, local area network security and financial information data decryption
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by USPS Express Mail Post Office to Addressee on this date.

Signature	/Jennifer A. Lazo/
Name	Jennifer A. Lazo
Date	10/29/2010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**IN THE MATTER OF APPLICATION**

Applicant: Ondra LLP  
Mark: O & Design  
Serial No.: 77/711,350  
Filed: April 10, 2009  
Published in  
the Official Gazette: May 4, 2010

	x	
MASTERCARD INTERNATIONAL	:	
INCORPORATED,	:	
	:	
Opposer,	:	Opposition No. _____
	:	
v.	:	
	:	
ONDRA LLP	:	
	:	
Applicant.	:	
	x	

**NOTICE OF OPPOSITION**

Opposer, MasterCard International Incorporated, a corporation organized and existing under the laws of the State of Delaware, with a place of business at 2000 Purchase Street, Purchase, New York 10577-2509 (hereinafter referred to as "Opposer" or "MasterCard") believes that it will be damaged by the registration of United States Trademark Application Serial No. 77/711,350, filed on April 10, 2009 by Ondra LLP (hereinafter "Applicant" unless otherwise specified) for an alleged mark consisting of or comprising, in part, an interlocking circular design for services in International Classes 9, 35 and 36, and having previously been granted extensions of time to oppose, hereby opposes same.



The specific grounds for this opposition are as follows:

1. MasterCard is a leading global payments solutions company that provides a variety of services in support of the credit, debit, prepaid and related payment programs of over 24,000 financial institutions and other entities that are its customers. MasterCard's purpose is, *inter alia*, to facilitate various financial services transactions, including the interchange of funds through payment cards, including credit cards and debit cards, as well as provide related banking, credit and payment card services, electronic funds and currency transfer services, electronic payment services, and network services to facilitate financial payments, and other related products and services. MasterCard owns and administers the MASTERCARD payment card program.

2. More specifically, since 1966, MasterCard has managed a family of well-known, widely accepted payment card brands, including MASTER CHARGE, MASTERCARD, MASTERCARD ELECTRONIC, MAESTRO and CIRRUS, as well as the famous "Interlocking Circles" device, to identify its various services and products. MasterCard initially owned and administered the celebrated MASTER CHARGE payment program and it now owns and administers the MASTERCARD payment card program. MasterCard's business has a global reach and has continued to experience strong growth.

3. There are over 966 million MASTERCARD payment cards (and 659 million MAESTRO cards) in circulation worldwide bearing the Interlocking Circles device, which have been issued by about 24,000 licensed member financial institutions. An estimated one third of these cards are currently in circulation in the United States. Opposer's MASTERCARD payment cards are accepted at approximately 28.5 million locations, including retail merchants, automated teller machines and cash advance locations, and over \$2.4 trillion

dollars worth of purchases or cash advances were transacted in 2009 alone using a payment card bearing the MASTERCARD and “Interlocking Circles” device marks. Each retail establishment, ATM and cash advance location that accepts MasterCard’s payment cards is required to post decals bearing the MASTERCARD and “Interlocking Circles” device marks at the point of sale. During each of the last three years, MasterCard has expended in excess of \$100,000,000 per year in advertising and promoting its payment card services and other related products and services in connection with its MASTERCARD and “Interlocking Circles” device marks.

4. Each and every MASTER CHARGE and MASTERCARD payment card that has ever been issued and virtually all advertising therefore has borne MasterCard’s famous and highly distinctive “Interlocking Circles” device mark.

5. For many years prior to the filing date of the application at issue or any relevant alleged claim of priority by Applicant, Opposer has used its “Interlocking Circles” device mark or variants in connection with financial services and products, including, but not limited to, banking services and payment, credit, debit, prepaid and stored value card services, as well as electronic data carriers in the form of magnetically encoded cards.

6. In addition to its prior common law rights in the “Interlocking Circles” device and variants, MasterCard is also the owner of numerous United States trademark and service mark applications and registrations, each of which incorporates the “Interlocking Circles” device mark or variants, including, but not limited to, the following:

MARK	APPLN./ REG. NO.	APPLN./ REG. DATE	FIRST USE DATE	IDENTIFICATION OF GOODS/SERVICES
MASTERCARD & Interlocking Circles Design	1,257,853	11/15/1983	2/11/1980	36: Financial Services-Namely, Providing Bank Card Services

Interlocking Circles Design	1,723,718	10/13/1992	2/1990	16: printed matter and publications; namely, credit, debit and charge cards, travellers cheques, pamphlets, brochures, newsletters and magazines of a financial nature 36: financial services; namely, providing credit, debit and charge card, travellers cheque, cash disbursement, and transaction authorization and settlement services
Globe Hologram Design	1,738,276	12/8/1992	2/1990	16: printed matter and publications; namely, credit, debit and charge cards, travellers cheques, pamphlets, brochures, newsletters and magazines of a financial nature 36: financial services; namely, providing credit, debit and charge card, travellers cheque, cash disbursement, and transaction authorization and settlement services
MASTERCARD & Interlocking Circles Design	2,168,736	6/30/1998	2/1990	9: electronic data carriers in the form of magnetically encoded cards 16: printed matter and publications, namely, credit, debit and charge cards, travelers cheques, and pamphlets, brochures, newsletters and magazines of a financial nature 36: financial services, namely, providing credit, debit and charge card services, administration of the issuance, redemption and processing of travelers cheques, travel financial assistance, cash disbursement and transaction authorization and settlement services 39: travel assistance services, namely, arranging travel tours, making replacement and emergency reservations and booking for transportation
MASTERCARD & Interlocking Circles Design	1,890,786	4/25/1995	4/1991	6: metal key chains 9: calculators 14: watches, clocks, metal tie pins 16: pens, pencils, pen stands, paper weights, letter openers, notebooks, metal book marks 18: umbrellas, luggage, garment bags for travel, toiletry cases sold empty, duffel bags, attache cases, carry-on bags, tote bags, wallets, business card cases, credit card cases 20: non-metal key rings, luggage tags 21: mugs 24: towels 25: shirts, jackets, sweaters, sweat shirts, visors, caps 28: Christmas tree decorations, tennis balls, golf balls, soccer balls, golf tees
Interlocking Circles Design	2,038,134	2/18/1997	8/19/1992	9: electronic data carriers in the form of magnetically encoded cards 16: printed matter and publications, namely, pamphlets, brochures, newsletters and magazines of a financial nature 36: financial services, namely, providing debit card services
Interlocking Circles Design	3,356,410	12/18/2007	6/27/2006	36: financial services, namely, banking and credit services; providing credit card, debit card, charge card and stored value prepaid card services; banking services, bill payment, credit card services, debit card services, charge card services, cash disbursement, providing online stored value accounts in an electronic

				<p>environment; bill payment services; automated teller machine services; processing of electronic bill payment financial transactions on-line via a computer database or via telecommunications and at point of sale; electronic bill payment processing services for financial transactions by card holders via automatic teller machines; the provision of balance details, deposits and withdrawals of money to card holders via automatic teller machines; financial settlement and authorization services relating to payment card transactions; issuing and redemption of travellers checks; check verification and check cashing services; verification of financial information; payer authentication services, namely, provision of services relating to the authentication of cardholders, merchants and banks for payment card transactions; electronic funds transfer and currency exchange services; dissemination of financial information via the internet and other computer networks; remote bill payment services; stored value electronic purse services, namely, providing online stored value accounts in an electronic environment; providing electronic funds and currency transfer services, electronic bill payments services, prepaid telephone calling card services, cash disbursement services, and transaction authorization and settlement services; provision of debit card, credit card and prepaid card services by means of radio frequency identification devices; provision of debit card and credit card services by means of communication and telecommunication devices; the provision of financial bill payment services for the support of retail services provided through mobile telecommunications means, including payment services through wireless devices; the provision of financial bill payment services for the support of retail services provided on-line, through networks or other electronic means using electronically digitized information; providing online stored value accounts in an electronic environment for use in the secure exchange of value, including electronic cash, over computer networks, on-line banking; financial information processing services provided over the telephone and by means of a global computer network or the internet; provision of financial information processing services by means of a global computer network or the internet</p>
Interlocking Circles Design	3,356,409	12/18/2007	6/27/2006	<p>36: financial services, namely, banking and credit services; providing credit card, debit card, charge card and stored value prepaid card services; banking services, bill payment, credit card services, debit card services, charge card services, cash disbursement, providing online stored value accounts in an electronic environment; bill payment services; automated teller machine services; processing of electronic bill payment financial transactions on-line via a computer database or via telecommunications and at point of</p>

				<p>sale; electronic bill payment processing services for financial transactions by card holders via automatic teller machines; the provision of balance details, deposits and withdrawals of money to card holders via automatic teller machines; financial settlement and authorization services relating to payment card transactions; issuing and redemption of travellers checks; check verification and check cashing services; verification of financial information; payer authentication services, namely, provision of services relating to the authentication of cardholders, merchants and banks for payment card transactions; electronic funds transfer and currency exchange services; dissemination of financial information via the internet and other computer networks; remote bill payment services; stored value electronic purse services, namely, providing online stored value accounts in an electronic environment; providing electronic funds and currency transfer services, electronic bill payments services, prepaid telephone calling card services, cash disbursement services, and transaction authorization and settlement services; provision of debit card, credit card and prepaid card services by means of radio frequency identification devices; provision of debit card and credit card services by means of communication and telecommunication devices; the provision of financial bill payment services for the support of retail services provided through mobile telecommunications means, including payment services through wireless devices; the provision of financial bill payment services for the support of retail services provided on-line, through networks or other electronic means using electronically digitized information; providing online stored value accounts in an electronic environment for use in the secure exchange of value, including electronic cash, over computer networks, on-line banking; financial information processing services provided over the telephone and by means of a global computer network or the internet; provision of financial information processing services by means of a global computer network or the internet</p>
Interlocking Circles Design	3,356,377	12/18/2007	6/27/2006	35: association services, namely, promoting the interests of banks, credit unions, and other regulated financial institutions
MASTERCARD WORLDWIDE & Interlocking Circles Design	3,356,408	12/18/2007	6/27/2006	36: financial services, namely, banking and credit services; providing credit card, debit card, charge card and stored value prepaid card services; banking services, bill payment, credit card services, debit card services, charge card services, cash disbursement, providing online stored value accounts in an electronic environment; bill payment services; automated teller machine services; processing of electronic bill payment financial transactions on-line via a computer database or via telecommunications and at point of sale; electronic bill payment processing services for

				<p>financial transactions by card holders via automatic teller machines; the provision of balance details, deposits and withdrawals of money to card holders via automatic teller machines; financial settlement and authorization services relating to payment card transactions; issuing and redemption of travellers checks; check verification and check cashing services; verification of financial information; payer authentication services, namely, provision of services relating to the authentication of cardholders, merchants and banks for payment card transactions; electronic funds transfer and currency exchange services; dissemination of financial information via the internet and other computer networks; remote bill payment services; stored value electronic purse services, namely, providing online stored value accounts in an electronic environment; providing electronic funds and currency transfer services, electronic bill payments services, prepaid telephone calling card services, cash disbursement services, and transaction authorization and settlement services; provision of debit card, credit card and prepaid card services by means of radio frequency identification devices; provision of debit card and credit card services by means of communication and telecommunication devices; the provision of financial bill payment services for the support of retail services provided through mobile telecommunications means, including payment services through wireless devices; the provision of financial bill payment services for the support of retail services provided on-line, through networks or other electronic means using electronically digitized information; providing online stored value accounts in an electronic environment for use in the secure exchange of value, including electronic cash, over computer networks, on-line banking; financial information processing services provided over the telephone and by means of a global computer network or the internet; provision of financial information processing services by means of a global computer network or the internet</p>
<p>MASTERCARD WORLDWIDE &amp; Interlocking Circles Design</p>	3,356,407	12/18/2007	6/27/2006	<p>36: financial services, namely, banking and credit services; providing credit card, debit card, charge card and stored value prepaid card services; banking services, bill payment, credit card services, debit card services, charge card services, cash disbursement, providing online stored value accounts in an electronic environment; bill payment services; automated teller machine services; processing of electronic bill payment financial transactions on-line via a computer database or via telecommunications and at point of sale; electronic bill payment processing services for financial transactions by card holders via automatic teller machines; the provision of balance details, deposits and withdrawals of money to card holders via automatic teller machines; financial settlement and</p>

				<p>authorization services relating to payment card transactions; issuing and redemption of travellers checks; check verification and check cashing services; verification of financial information; payer authentication services, namely, provision of services relating to the authentication of cardholders, merchants and banks for payment card transactions; electronic funds transfer and currency exchange services; dissemination of financial information via the internet and other computer networks; remote bill payment services; stored value electronic purse services, namely, providing online stored value accounts in an electronic environment; providing electronic funds and currency transfer services, electronic bill payments services, prepaid telephone calling card services, cash disbursement services, and transaction authorization and settlement services; provision of debit card, credit card and prepaid card services by means of radio frequency identification devices; provision of debit card and credit card services by means of communication and telecommunication devices; the provision of financial bill payment services for the support of retail services provided through mobile telecommunications means, including payment services through wireless devices; the provision of financial bill payment services for the support of retail services provided on-line, through networks or other electronic means using electronically digitized information; providing online stored value accounts in an electronic environment for use in the secure exchange of value, including electronic cash, over computer networks, on-line banking; financial information processing services provided over the telephone and by means of a global computer network or the internet; provision of financial information processing services by means of a global computer network or the internet</p>
MASTERCARD WORLDWIDE & Interlocking Circles Design	3,376,085	1/29/2008	6/27/2006	35: Association services, namely, promoting the interests of banks, credit unions, and other regulated financial institutions
Interlocking Circles Design	3,365,851	1/8/2008	6/27/2006	35: Association services, namely, promoting the interests of banks, credit unions, and other regulated financial institutions
MASTERCARD & MC2 & Design	78/978612	4/19/2002		9: Computer hardware, computer software, and computer programs related to financial services, namely, software for secure data storage and retrieval and transmission of confidential customer information used by individuals, banking and financial institutions and for the processing of financial transactions via credit, debit, and smart cards; computer hardware and encryption software, software for secure data storage and retrieval and transmission of confidential customer information used by individuals, banking and financial institutions; magnetic encoded and smart card readers; computers designed to enable smart cards to interact

				with terminals and readers; point of sale transaction terminals and computer software for transmitting, displaying and storing transaction, identification and financial information for use in the financial services, banking and telecommunications industries; radio frequency identification devices, namely, transponders; and electronic verification apparatus for verifying authentication of charge cards, bank cards, credit cards, debit cards and payment cards
MASTERCARD WORLDWIDE & Design	3,835,171	8/17/2010		<p>9: Blank magnetic data carriers, data processing equipment; computer software for the development, maintenance and use of local and wide area computer networks, for facilitating payment transactions by electronic means and for secure data storage and retrieval and transmission of confidential customer information used by individuals, banking and financial institutions; electronic apparatus for recording, transmitting and reproducing data comprising sound and images; electronic apparatus and computer software for searching, managing and analyzing financial accounts using a global computer network; downloadable electronic publications in the field of banking and finance, computer hardware and software for facilitating electronic payment transactions; computer hardware and software for encoding using encoding keys, digital certificates and digital signatures; computer software for guaranteeing data storage and transmission of confidential customer information, carried out by physical persons and banking and financial institutions; encoded magnetic cards and cards containing an integrated circuit chip, namely, containing a blank smart card; bank cards, namely, bank cards with magnetic memories and integrated circuit memories; electronic data media cards, coded magnetic card readers, readers for electronic data media cards; computer software designed for use in the telecommunications, banking, finance and insurance industry; computer software designed to enable smart cards to interact with terminals and readers; computer chips embedded in telephones; telecommunications equipment, namely, radio frequency identification devices, namely, transponders; point of sale transaction terminals and software for transmitting, displaying and storing transactions, identifications and financial information for use in the financial services, banking and telecommunications sectors; electronic verification apparatus for verifying electronically the authenticity of purchase cards, bank cards, credit cards, debit cards and payment cards, cash withdrawal machines, namely, automated teller machines (ATM)</p> <p>35: Advertising services; business management; business administration; providing office functions; business management assistance services for industrial and commercial enterprises; business appraisals; advisory services in connection with business</p>



				<p>management; marketing research services; conducting marketing studies; providing business statistical information; preparation of statements of financial accounts; bookkeeping; public relations; publication of advertising texts; publication of advertising leaflets; computerized database management</p> <p>36: Insurance services, namely, travel insurance; financial services, namely, banking and credit services; services of credit, debit, purchasing, cash payment and prepayment cards; financial services relating to payment of bills; automated teller machine services; processing of cardholder financial credit, debit, purchasing, stored value and/or prepaid card transactions both online via a computer database or through telecommunications and at points of sale; services for processing services for financial transactions carried out by cardholders through automated teller machines; provision of financial account details, namely, cash balances, deposits and withdrawals to cardholders through automatic teller machines; financial settlement and authorization services, namely, the settling of international and commercial transactions through obtaining the proceeds of a sale in cash in exchange for formal debt instructions; financial account settlement services, namely, the settling of international and commercial transactions through obtaining the proceeds of a sale in cash or in exchange for formal debt instructions; electronic funds transfer and foreign exchange services; providing financial information over the internet and other computer networks; financial services for facilitating the use of electronic payments, namely, electronic processing and transmission of electronic wallets, transactions and data; foreign currency transfers; electronic payment services, namely, electronic processing and transmission of bill payment data; cardholder financial authorization and debt settlement services; offer of debit and credit transaction services by means of radio frequency identification devices and transponders; provision of debit and credit transaction services by means of communication and telecommunications devices; cheque verification services; issue and redemption services, all in connection with travellers' cheques and travel vouchers; provision of financial support services, namely, payment services to retail services provided online, via networks or other electronic media using electronically digitized data; services for exchanging securities, namely, the secure exchange of securities, namely, payment in electronic cash via computer networks accessible by smart cards; online banking services</p> <p>38: Electronic data transmission using a global data processing network via the Internet; telecommunication services for transmitting data from a data bank stored on computers or on the Internet;</p>
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				data transmission using electronic image processing by means of a telephone link; provision of access to a global computer network for processing debit or credit transactions over a telephone link or other telecommunication means; electronic mail services, namely, receiving and sending messages; providing access, for multiple users, to databases for a wide range of information in the financial services sector; rental of access time to global computer networks; broadcasting services via all means of telecommunication, namely, radio, television, cable, satellite, the Internet or mobile devices 42: Scientific and technological services, namely, the design and development of computer hardware and software and research and design services relating thereto; computer services, namely, application service provider, namely, providing on-line electronic databases via a global computer network concerning secure communications, data encryption and decryption, local area network security and financial information data decryption
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These registrations are valid and subsisting, uncanceled and unrevoked, and in full force and effect. Many of the foregoing registrations are incontestable pursuant to 15 U.S.C. § 1065.

Hereinafter MasterCard's foregoing marks, including those registered and/or used in commerce, are referred to individually and/or collectively as the "Interlocking Circles Mark".

7. Use of the Interlocking Circles Mark has been continuous and has not been abandoned. As a result of extensive advertising, promotion, card usage, point of sale signage and other usage, the Interlocking Circles Mark has become famous and is one of the most renowned brands in the world, including the United States. It represents an asset of enormous goodwill and of inestimable value to MasterCard.

8. Since long prior to Applicant's filing of the opposed application and any alleged claim of use of the purported mark that is the subject of the application-in-opposition, MasterCard has used its Interlocking Circles Mark in connection with a wide range of financial products and services and other related or complementary products and services, including, among others, credit card services, debit card services, banking services, electronic funds transfer

services, issuance of travelers checks, electronic data carriers in the form of magnetically encoded cards, payment services through wireless devices, and providing online stored value accounts in an electronic environment for use in secure exchange of value.

9. As a result of MasterCard's long, extensive and widespread use, advertising, promotion and registration of its Interlocking Circles Mark, consumers and the trade have become accustomed to associating marks containing the Interlocking Circles Mark and/or interlocking circles designs in the financial and banking services industries, as well as on related products and services, with MasterCard.

10. On information and belief, on April 10, 2009, Applicant Ondra LLP, a limited liability partnership organized and operating under the laws of the United Kingdom, having a place of business at 40 Basinghall Street, London EC2V5DE, United Kingdom, filed United States Application Serial No. 77/711,350 to register a mark comprised of an interlocking circles design consisting of two intersecting "O" letters in connection with the following goods/services:

"Computer software and computer programs for use in database management in the fields of financial affairs, business appraisals, business acquisition disposal and structuring, business management, economic forecasting and economic research; blank magnetic data media; blank optical data media; computer software recorded on data media for database management in the fields of financial affairs, business appraisals, business acquisition disposal and structuring, business management, economic forecasting and economic research; downloadable digital media files, namely, downloadable photographic, video, audio, and text files featuring financial affairs, business appraisals, business acquisition disposal and structuring, business management, economic forecasting and research; downloadable electronic publications in the nature of newsletters, magazines, brochures, reports, booklets, fact sheets, charts, and graphs in the fields of financial affairs, business appraisals, business acquisition disposal and structuring, business management, economic forecasting and economic research" in International Class 9;

“Business appraisals and research; business investigations; professional business consultancy; business advisory and consultancy services relating to mergers and acquisitions; advisory and consultancy services relating to business structuring, namely, providing assistance and advice regarding business operations, business organization, business management, business analysis planning, business strategies, business marketing and customer analysis, business loans, business finance and business capital; commercial and industrial management assistance; economic forecasting; market research and market studies” in International Class 35; and

“Insurance brokerage; financial affairs, namely, financial risk management, financial asset management, financial planning, loan financing and management, and financial investment management and advice; monetary affairs, namely, monetary strategy consultation and research; real estate affairs, namely, arranging real estate investment and financing; financial services, namely, financial management; banking services; investment services, namely, arrangement of investment transactions in relation to stocks, bonds, shares, debentures, commodities, futures, options and other securities; financing services; financial exchange services; securitization services, namely, arrangement of transactions involving asset backed securities; securities brokerage; securities investment and management, namely, financial investment in the field of securities and management of securities of others; stocks and bonds brokerage; capital and fund investment; management of a capital investment fund; collateral management, namely, management of financial assets and real estate properties used to secure loans; financial management; financial consultancy, advisory and financial information services relating to the aforesaid services” in International Class 36.

The application was based on an alleged bona fide intent to use the mark in commerce, as well as under Section 44(e) (hereinafter referred to as the “application-in-opposition,” unless otherwise specified).

11. Registration of Applicant’s alleged mark, which is the subject of the application-in-opposition, is barred by the provisions of Section 2(d) of the Trademark Act of 1946 because the said mark consists of or comprises a mark which so resembles MasterCard’s Interlocking Circles Mark, which has been in use and is also the subject of prior registrations and/or previously filed applications to register such marks in the United States Patent and Trademark Office, as to be likely, when used in connection with the alleged products and services of Applicant, to cause confusion.

12. MasterCard has priority over Applicant because MasterCard's use, application filing and/or registration dates of its Interlocking Circles Mark precede Applicant's filing date for its application at issue and/or any alleged relevant claim of use of Applicant's purported mark that is the subject of the application-in-opposition.

13. Applicant's alleged mark, which is comprised, in part, of an interlocking circles design, and Opposer's Interlocking Circles Mark are confusingly similar. On information and belief, the products and services that Applicant allegedly offers in connection with its alleged mark featuring an overlapping circles design are similar, complementary or of a related nature to the products and services MasterCard offers in connection with its famous Interlocking Circles Mark.

14. Applicant's alleged mark shown in the application-in-opposition so resembles Opposer's previously used and registered Interlocking Circles Mark, as to be likely, when used in connection with Applicant's products and services, to cause confusion amongst consumers and/or the trade into believing that Applicant's products and services are approved or sponsored by Opposer or that Applicant's mark which is shown in the application-in-opposition is a version of Opposer's Interlocking Circles Mark, thereby deceiving the public, causing confusion and causing damage to Opposer, all within the meaning of 15 U.S.C. § 1063.

15. The likelihood of confusion that would also arise from concurrent use and registration of the applied for mark with MasterCard's use and registration of its Interlocking Circles Mark is that: (a) persons are likely to believe that Applicant's products and services have their source in Opposer, or (b) Applicant and its products and services are in some way legitimately connected or affiliated with, sponsored, approved, endorsed or licensed by Opposer when, in fact, they are not. Accordingly, registration of Applicant's mark which is the subject of

the application-in-opposition is barred by the provisions of Section 2(d) of the Trademark Act of 1946, 15 U.S.C. § 1052(d).

16. Further, registration and use of Applicant's alleged mark incorporating an overlapping circles design as shown in the application-in-opposition would likely dilute the distinctiveness of MasterCard's famous and highly distinctive Interlocking Circles Mark, which became famous long prior to the filing date of Applicant's application-in-opposition, or any alleged first use by Applicant of the interlocking circles design shown in U.S. Application Serial No. 77/711,350, in violation of 15 U.S.C. § 1125(c). Accordingly, Applicant's alleged mark at issue is not entitled to registration under 15 U.S.C. § 1052(f) and Section 13 of the Lanham Act, 15 U.S.C. § 1063.

17. Opposer will be damaged by the issuance of the registration sought by Applicant because such registration would support and assist Applicant in the confusing, misleading, deceptive and/or dilutive use of Applicant's alleged mark which is shown in the application-in-opposition, and would give color of exclusive statutory rights to Applicant in violation of the prior and superior rights of MasterCard in the United States.

18. In view of the foregoing, issuance of a registration to Applicant for its claimed mark which is shown in Application Serial No. 77/711,350 would be damaging to Opposer's common law marks and federal registrations within the meaning of Section 13 of the Lanham Act, 15 U.S.C. §1063.

WHEREFORE, Opposer prays that this opposition be sustained in its favor, that registration be denied to Applicant on its Application Serial No. 77/711,350 and that the Board

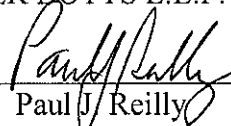
grant all further relief in favor of Opposer that is necessary and just.

Respectfully submitted,

BAKER BOTTS L.L.P.

Dated: October 29, 2010

By: \_\_\_\_\_



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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing NOTICE OF OPPOSITION was served on the attorney for Applicant via express mail and overnight courier, in envelopes addressed to:

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Dated: October 29, 2010

By: \_\_\_\_\_

  
Jennifer A. Lazo